

successful with a nominee who has been waiting for 4 years, notwithstanding the fact that this is a person who is one of the most extraordinary Hispanic American jurists we have ever seen, who has the highest rating, who is backed by everybody from law enforcement to litigators. Judge Paez has been forced to go through these extraordinary hoops and his nomination is poised, finally, for debate and a fair up or down vote. To have somebody take this unprecedented and shameful step of asking us to indefinitely postpone Senate approval of this nomination is, in effect, a procedural device to deny that up or down vote and kill this nomination.

The same with Marsha Berzon: This extraordinary woman, reaching the pinnacle of her legal career, having earned success every step along the way, having earned the highest possible rating from the American Bar Association, comes here, has to undergo an extraordinary ordeal and this long wait, has to go through the unusual step of a cloture motion and our prevailing with 85 votes. Then for the Senate to say to her: But now we are going to do something that has never been done before to a judicial nominee who has gotten past cloture: We are going to move to indefinitely postpone. That is not right.

Mrs. BOXER. Mr. President, will the Senator yield for a quick question? I will be very brief.

Mr. LEAHY. Sure.

Mrs. BOXER. First, I thank Senator LEAHY for his extraordinary leadership. I was so taken aback by this. I made some comments to our Presiding Officer. It seems to me there is a letter of the law and a spirit of the law, there is a letter of cloture and there is a spirit of cloture.

We go through a situation where we say it is unprecedented to even have these cloture motions. We don't do it often. It is not unprecedented—I think seven or eight times in decades. Now we have a new way to go where we essentially would deny that individual an up-or-down vote.

I want to say to my friend how articulate he is on this point. I hope Senators are listening in their offices. I hope they will view this as a violation of the spirit of cloture and certainly will not go down this road.

That is all I can say. My colleague is right on this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the reason I get concerned about this is, now, having in excess of 80 votes to go forward with this, we ought to have the courage and the honesty to stand up and vote. Senators are paid to vote

"aye" or "nay." They are not paid to vote "maybe." It would be a cowardly and disgraceful step to vote "maybe" because we want to avoid saying what the Senate is being asked to do—to close the door to two such extraordinary people. I always respect Senators who vote "yes" or vote "no." I will not respect Senators who vote "maybe." That is beneath the dignity of the Senate.

There are only 100 of us who are elected to represent a quarter of a billion Americans. Let us have the courage to stand up and vote either for or against these two extraordinary nominees. Let us not play silly parliamentary games and tell the American people we do not have the guts to vote, that we are going to vote "maybe." I did not get elected to serve in the Senate to vote "maybe." I did not serve for 25 years in a body that I revere to vote "maybe."

I am certainly not going to stand here and allow with no comment these two people to be held hostage one more time. Vote for them, or vote against them. I certainly urge my colleagues to vote for them.

In all my years on the Judiciary Committee extending back over several decades, I do not know of two finer nominees who have come before the Senate, Republican or Democrat. And I voted for most nominees, Republican and Democrat, during that time.

Vote for these two people. At least in that way, apologize for holding them hostage all of these years. But, for God's sake, don't shame us all by voting for some kind of parliamentary gimcrackery saying we will postpone it indefinitely. Vote "yes" or vote "no." Don't vote "maybe."

I yield the floor.

OIL CRISIS

Ms. LANDRIEU. Mr. President, I take this opportunity to speak for just a few minutes, as we are closing up today, on a very important policy question before the Senate, one that while actually not being debated on the Senate or House floors at this time, it is being hotly debated in private meetings and corridors and in some public meetings of the various committees; that is, the problem, the crisis, the challenge that this country is now facing with extraordinarily high oil prices.

The price of crude oil today, according to the Wall Street Journal, is above \$34 a barrel. For some, this causes—as in an oil-producing State—a bonanza; for others, it causes a real problem.

I will speak for a few minutes about some of the steps we could perhaps take. Wild swings in and the volatility of the price of oil are not good. Senators heard troublesome testimony today from senior citizens and a young family struggling in the Northeast,

which is the most dependent part of our Nation. Neither are these price swings good for the oil-producing States, of which I represent Louisiana.

What a difference a year can make. Last year at this time, our committee was actually meeting about the world price of oil pushing \$5 a barrel. Our Energy Committee met time and time again, trying to figure out what we could do to help stabilize a very important industry to our Nation, to help provide some relief, particularly for the small and independent producers who obviously were driven out of business. The oil and gas industry lost literally tens of thousands of workers over the course of the year because they simply could not turn any kind of profit at that low price.

Just today, we had a hearing in the same committee, now talking about oil at \$34 a barrel and the havoc it is wreaking in other places.

In the Northeast, people are having great difficulty, understandably so, having not been able to predict this would happen. Adding \$300 and \$400 a month to home heating oil, it is tough for many families to make that payment.

As in Louisiana last year, in Texas, Oklahoma, Alaska, and other places around the Nation, some families were not able to pay any bills because they lost an entire paycheck which rested on the strength of a domestic industry that had the rug pulled out from underneath it.

We now face a looming energy crisis of a completely different nature—not extraordinarily low prices but extraordinarily high prices. It is said only in times of war do we really appreciate our military. At least this time, perhaps at times of high oil prices, we now can fully appreciate the importance of our domestic energy industry in the producing States—not just oil producers, who are important, but gas producers and producers of energy who will help our country be more self-reliant. Since we are the greatest consumer of energy in every sector, we must have a policy that encourages the strength and robustness of the energy-producing sector. I suggest we have a long way to go, given what is happening today.

In 1959—quite a while ago, but not so long ago that many people in this Nation cannot still remember quite well—our Nation imported only 16 percent of its oil and gas. Today we import over 50 percent. We have moved from self-reliance to reliance on others, and in many instances it is not even allies on whom we are relying. It is one thing to have to rely on our allies and our friends such as Saudi Arabia and Venezuela, encouraging them to help in this difficult time, as we most certainly have stepped up to their aid and continue to do so.

However, we also have to go hat in hand to countries that are not our allies—in fact, enemy nations—and have interests contrary in terms of freedom and democracy—Iran and Libya, to name two.

It is a particularly difficult situation and one which I think is avoidable if this administration and others had a better policy regarding energy self-reliance for a strong and vibrant economy.

I will make a few suggestions. First, let me comment on some of the things I hear other people suggesting as a remedy. I say to my colleagues, we should all be engaged in coming up with solutions. We should be putting remedies on the table. We might not adopt every one, but we most certainly should be engaged in finding solutions to this problem, not just turning our head and hoping it goes away, hoping OPEC will provide the relief we need. We need to get our fate back in our own hands.

One suggestion being tossed around and has actually been filed as a bill by several Members of the Senate is using the Strategic Petroleum Oil Reserve to provide some temporary relief. That may or may not be a good idea.

Let me quote from Chairman Greenspan who, when presented with this idea, made this statement in front of the House Banking Committee recently:

It is foolishness to believe we can have any significant impact short of a very major liquidation short-term of that reserve. There is more to this than economics. It is a diplomatic security question.

That reserve was created to protect the U.S. from a cutoff and keep the U.S. from being held hostage.

While some think dipping into that reserve might move us out of this crisis, I suggest that before we make that decision we do the math. There are only 55 days of supply. We might be able to drive down the price if we liquidated a significant portion of that oil and gas for a certain amount of time, maybe at a 7 or 10-percent drop. But thinking we can liquidate our strategic oil reserve and drive down this price and sustain a low price, I am not sure that case has yet been made.

For the purposes of this discussion, that should be kept on the table. We must be very careful not to give the American people the idea that we have a secret key, that we have a magic wand, that we can simply liquidate this reserve and prices will fall and all things will be made whole again. Not only am I not sure that would work, but it could leave our country in a very difficult position from a national security standpoint to have liquidated that reserve. Then it would be at a great expense to the taxpayer in that a lot of this oil that was purchased when the price was quite low, which was smart to do, would then, at great expense to the taxpayer, have to be replenished at

three and four times the cost. So let us say I would agree to keep it on the table but not present the American public with the idea that liquidating the SPR is the answer.

Another sort of false solution, I think, rests with some who are suggesting we simply need to call in our chips, that America can simply rely on the good will of our neighbors. Yes, we do many wonderful things for countries. We have stepped up to the plate to help Mexico and Venezuela most recently in a crisis. We have helped, obviously, Kuwait. We went to war on their behalf. But I think just relying on calling in our chips, calling in good will, at times such as this is, again, one small thing that can be done but we most certainly do not want to rely on that to keep prices stable and to sustain this great economic boom. I think, again, it is a false remedy.

I believe, rather, that some of the things we can do internally would help us to better prepare for situations such as this. One would be to have more aggressive drilling and exploration in the United States. Instead of having oil and gas drilling moratoria as the rule and then making exceptions for drilling, we should have an aggressive drilling policy that is environmentally sensitive.

Let me be quick to say the industry, contrary to popular opinion, has made significant efforts in this regard because there are now local, State, and Federal regulations, tough regulations, regulations many of us support from oil- and gas-producing States, to make sure this extraction is done with the minimum negative environmental impacts. So I am not suggesting going back to the days, 30 or 40, even 20, years ago when none of these regulations was in place. I am suggesting we can have an environmentally sensitive drilling policy, particularly that would give preference, perhaps, or give priority or help to encourage the extraction of natural gas, which is in itself a clean burning fuel.

Let me read from "Fueling the Future"—I will submit this for the RECORD—about the potential benefits of natural gas. It says:

Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries.

It would seem to me, since we have all of these natural gas reserves, some in the Gulf of Mexico, in shallow and deep water, some around Alaska, and some in other places in this Nation, that it would do us a world of good to be much more open to the idea of using natural gas in its many different forms to help us fill our energy grid and make it greener, to meet our own expectations and to meet new international standards for clean air. That is one thing that we most certainly can do.

Another, we have taken the step in an aggressive policy to acknowledge what a good thing we did when we gave royalty relief for deep water drilling in the gulf. There were many Members of this body who not only did not vote for that, they vigorously opposed it. My predecessor was the lead sponsor of that legislation. I can only say thank goodness that that has given us a window of hope. Because new technologies have been developed, we are able to find reserves in deeper water in the Gulf of Mexico to give us the balance we need in domestic production. Whether it is necessary to extend that relief now, with prices going up, would be a question for another day. But thank goodness we did it at the time we did it so we now have increased reserves and because technology has been developed, that helps us to minimize those dry holes, and maximizes—and it makes much more efficient—this extraction. We can continue to do those things.

Another thing, we should put our money where our mouth is when we talk about alternative fuels development. I mentioned natural gas, but we have solar; we have the potential for fuel cells; we have other potential sources of energy. We cannot take nuclear off the table, which we have discussed in this body for the last 20 years. I hope now people can appreciate the part that nuclear power can play when properly regulated and properly run to help make our grid greener.

France takes 80 percent of their energy needs from nuclear. We should at least be open to the possibility of sustaining our current nuclear capacity and perhaps even increasing it to help us get our grid greener and again minimize our reliance on outside sources. So vigorous programs for alternatives, promoting the use of natural gas, and also, of course, continuing to promote conservation—whether it is in transportation or weatherization of our homes—are also important.

My point is, in times of war we appreciate our military all the more and the great sacrifices our men in uniform make and how proud we are of them and how happy we actually are to support them with our tax dollars because we recognize their great value.

I hope the country will take note that when prices are this high, we feel vulnerable. We feel scared and nervous and frustrated and angry. There is a lot of pain. When prices are high, truckers cannot move their product. Farmers have now been hit not only with tough weather and rock-bottom prices but high diesel fuel costs. It is a triple whammy for our farmers.

I hope this country will recognize and express appreciation for our domestic oil and gas and other energy producers, and say we cannot take it for granted. We must nurture this industry, help it to be as environmentally sensitive as possible, but not

allow this Nation, the greatest nation on Earth, to be so dependent on sources outside of our sphere of influence and outside of our boundaries. It would be the same as depending on other nations for our food. We would not do that. We would not import 100 percent of our food. I do not think people in this Nation realize how much we are importing from other nations.

Let us take this opportunity to put all our suggestions on the table. Let us urge those running to be the President of our Nation to come up with a real, comprehensive, workable policy that will help to maintain stable prices where our producers can make money and turn a profit. Obviously, people would not be in business if they could not make money. That is why people are in business. We are in government for different reasons, but business people usually go into business only if they can turn a profit in that enterprise or activity. So we have to maintain a stable price at a level where our domestic industry can make a profit, where people can stay in and work. Tax policies can have a lot to do with that.

We appreciated the help, although it was small and somewhat noncomprehensive, last year when our energy producers were feeling the pinch. We hope we can give some short-term relief to those who are clearly suffering from these high prices. Ultimately, the answer lies in long-term, comprehensive fixes, based on real-world economics and helping the American people understand with every choice to take some area away from drilling or with every choice to turn away from some source of energy, with every decision made, there are consequences to those choices. Then we can create a policy that Americans feel good about and a policy which expands our economy.

I ask unanimous consent the article "Fueling the Future" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Gas, March 2000]

FUELING THE FUTURE

(By Karen Ryan)

Could U.S. consumption of natural gas rise by as much as 13 quadrillion Btu (quads) over the next 20 years? A new American Gas Foundation study says it's certainly a possibility if appropriate policies are implemented.

"Fueling the Future: Natural Gas & New Technologies for a Cleaner 21st Century" confirms what natural gas industry professionals have long suspected: Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries. Consequently, the study forecasts that the environmental, economic and efficiency advantages of natural gas—combined with advances in gas-related technologies and the introduction of new end-use technologies—could help push U.S. gas consumption into the 35-quad range over the next two decades.

Currently, U.S. gas demand is close to 22 quads a year.

The study tracks two scenarios: a "current projection," which shows gas demand reaching nearly 30 quads by 2020, and an "accelerated projection," which foresees demand topping 35 quads by then based on the adoption of national policies encouraging greater use of natural gas. Gas supply will keep pace with rising demand, with at least 84 percent of demand in 2020 fulfilled by gas produced domestically, compared with 85 percent today, says the study. The rest will be imported primarily from Canada, just as it is now. The nation's gas resource base is enormous, continues the study, and tapping into it to produce enough gas to sustain 35 quads of demand will require technological innovations similar to those that opened up major new domestic sources of gas over the past 15 years.

Assuming continued resource base expansion, coupled with continued technological progress in the ways the nation finds, produces, delivers and uses gas, the cost of gas service will increase only modestly over the next 20 years, says the study. The price of gas purchased at the wellhead is expected to remain in the mid-\$2 per MMBtu range.

THE COMMON DENOMINATOR

"We believe that the study challenges conventional estimates of the natural gas market's potential," says AGA Chairman Gary Neale, who is president, chairman and CEO of NiSource Inc. Changing energy, technological and environmental forces are creating extraordinary market opportunities for the natural gas industry, from advanced residential furnaces and water heaters to gas cooling, fuel cells and advanced industrial applications. Neale points to distributed generation, as does the study, as a major reason gas consumption will swell in coming years. In the accelerated projection, distributed generation—in the form of reciprocating engines, microturbines and fuel cells—accounts for about 20 percent of the electricity generated in the nation by 2020.

"AGA can play an immensely important role in expanding this new market," says Neale. In an early step, the association joined the Distributed Generation Forum, managed by GRI to provide its members with technical, regulatory and market information to use in strategic planning and in market-development and education programs. The membership of the Distributed Generation Forum comprises gas and electric utilities, manufacturers and other parties developing and promoting distributed generation. AGA also is working with Congress to make sure nothing in the upcoming electric industry deregulation legislation will hamper the distributed generation market.

AT HOME WITH GAS

Today, 56 million out of the 102 million households in the United States—55 percent—have natural gas service. In 1998, these customers used 4.5 quads of gas. Residential gas consumption is forecast to reach 5.7 quads in 2020 under the study's current projection. The accelerated projection pegs demand at 7.4 quads, based on continued growth in traditional markets coupled with an assumption that greater demand for gas fireplaces, air conditioners, microturbines and fuel cells will radically alter the residential gas market.

The forecast goes on to say that home builders will continue to favor gas over electricity by a wide margin. In 1998, 70 percent of newly built houses were heated with natural gas. It also assumes that owners of ex-

isting homes will continue to convert their heating systems from other fuels to natural gas at the same pace as in the past decade when about 200,000 homeowners a year switched fuels. The study sees significant potential for conversion of other household tasks to natural gas in homes already hooked to the gas system.

In addition, gas fireplaces have been a huge draw for energy-conscious consumers in recent years. The typical gas fireplace is far cleaner than its wood counterparts, eliminating or making major reductions in a variety of pollutants, including carbon dioxide, nitrogen oxides, carbon monoxide and soot. In fact, wood fireplaces are banned or restricted in a number of areas, including Denver, Portland, Phoenix and Los Angeles because of environmental concerns. Currently, gas fireplaces account for 125 trillion Btu annually.

GETTING DOWN TO BUSINESS

The businesses and institutions making up the commercial market currently use about 3 quads of gas annually. Consumption in 2020 is forecast to total 4.4 quads under the current projection and 5.5 quads under the accelerated scenario. New technologies, says the study—especially gas-fueled cooling and dehumidification systems and aggressive growth in space and water heating and various food service applications—will drive the demand increase.

To help spread the news about gas-based technologies, AGA recently began a national accounts program aimed at the food-service and supermarkets sectors. The goal this year, says Walter Woods, who heads the program for AGA, is to call on executives at the headquarters of 16 restaurant and 16 supermarket chains to discuss the advantages of using gas.

"We hope to persuade these companies to test and specify gas equipment by giving them information they may not have," says Woods, who is accompanied on the visits by representatives of the local gas utilities. One thing Woods has discovered is that some national companies are surprised when a representative of the gas industry pays a visit. "The electric side does this sort of thing all of the time," he says, "but apparently the gas side has not."

Another program, the Gas Foodservice Equipment Network, was launched last fall to serve as a resource for information, education and marketing support. The network is an alliance of utilities, foodservice equipment manufacturers, trade associations (including AGA) and other industry participants. The April issue of American Gas will cover the network's program.

FUELING INDUSTRY AND POWER PLANTS

The environmental and energy-efficiency attributes of natural gas technologies will continue to prove attractive to the operators of the nation's factories and power plants. According to the foundation's forecast, industrial consumption of gas in 2020 will reach 11 quads under the current projection and 13 quads under the accelerated projection, up from 10.1 quads in 1998. The industrial sector has led the resurgence in gas demand since the mid-1980's with factory operators selecting a number of innovative new technologies from direct-contact water heaters to gas-fired infrared burners. Continued equipment advances in the new millennium will offer additional choices.

Even though coal is forecast to remain the dominant power plant fuel, natural gas is projected to double its share of this market by 202 with demand moving up to 6.7 quads

under the accelerated projection. This market includes electric utilities as well as independent (non-utility) power producers. Most of the rise in power plant gas demand is linked to wider use of combined-cycle technology, which captures the waste heat produced by the generator's large gas turbines and uses it to produce more electricity.

Demand is actually a little lower under the accelerated projection than in the current projection. The accelerated projection forecasts that slightly less new generating capacity will be required because: The operating lives of some coal-fired and nuclear-powered generating plants will be extended, some new coal-fired plants will be built, distributed generation will account for 20 percent of added generation capacity and renewable sources of energy will generate more electricity in 2020 than today.

THE NGV MARKET

"Fueling the Future" sees gas consumption in the transportation sector increasing to 2.8 quads by 2020. More than 1.5 quads of this growth is attributed to natural gas vehicles (NGVs) although the study points out that widespread use of NGVs will hinge on the success of on-going efforts to increase their driving range and make the vehicles more economically competitive, including bringing down the purchase price.

Natural Gas Vehicle Coalition President Richard Kolodziej reports that roughly 80,000 NGVs travel U.S. roads today, mainly as fleet vehicles. The industry's strategy, he says, is "to pursue the high fuel-use fleet market, which includes transit and school buses, trash trucks, urban delivery vehicles, airport shuttles and taxis."

Kolodziej also notes that the national transportation-related environmental focus until recently has been on reducing the automotive emissions that contribute to smog. "There is now a growing focus on diesel fuel because of concerns about the health effects of particulates and other air toxins," says Kolodziej. "Studies are showing that diesel vehicles have a disproportionate impact on air quality with respect to carcinogenic toxins." The shift in emphasis is improving the prospects for natural gas in the truck and bus markets. In the past two years alone, between 17 and 20 percent of all new transit buses that have been ordered have been fueled by natural gas, he says.

OTHER OPTIMISTIC OUTLOOKS

Reality check: Is the American Gas Foundation's accelerated scenario too optimistic? Not especially when compared with some other recent projections. While the other forecasts may use different parameters to arrive at their conclusions and look only as far

as 2015, they all reach basically the same conclusion: Gas use will rise substantially in the early years of the new century.

In contrast with GRI's and the National Petroleum Council's recent studies, the American Gas Foundation's study is a bit more optimistic, predicting a slightly higher potential for demand. It also projects market growth differently—attributing potential higher demand coming more from end-use applications in the residential and commercial sectors rather than from electricity generation. The foundation is also more optimistic that technology in the natural gas industry—from exploration and production through transmission, distribution and end use—will continue to advance at a pace similar to that in the 1990s.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:09 p.m., adjourned until Thursday, March 9, 2000, at 9:30 a.m.